

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

LESLIE R. MITCHELL,

No. 4:22-CV-00619

Plaintiff,

(Chief Judge Brann)

v.

K. BRITTAIN,

Defendant.

ORDER

AND NOW, this 6th day of December 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendant's motion (Doc. 9) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**. Plaintiff's individual capacity Section 1983 claim against defendant Kathy Brittain is **DISMISSED** without prejudice.
2. Plaintiff's official capacity claim against Brittain is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.
3. Plaintiff, if desired, may file an amended complaint in conformity with the accompanying Memorandum within 21 days of the date of this Order. If no amended complaint is timely filed, this case will be closed.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge